

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

AS AMENDED

BILL NO. 93-19 (As Amended)

Introduced by Council President Wilson at the request of the County Executive
Legislative Day No. 93-9 Date March 16, 1993

AN ACT to repeal and reenact with amendments, Section 256-13, Water and Sewer Plan, of Article I, General Provisions, of Chapter 256, Water and Sewers, of the Harford County Code, as amended, to provide for the establishment of the Water and Sewer Plan as part of the Harford County Code and to further provide that a copy of said Water and Sewer Plan, along with all amendments, is attached to this Act and made a part hereof as though it were fully stated herein.

By the Council, March 16, 1993

Introduced, read first time, ordered posted and public hearing scheduled

on: April 13, 1993

at: 6:00 P.M.

By Order: Doris Paulsen, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on April 13, 1993, and concluded on, April 20, 1993

Doris Paulsen, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 WHEREAS, Five days before the Charter-mandated deadline for
2 the County Council to vote on this bill, the County Attorney hand-
3 delivered a letter to the Council questioning the legality of some
4 of the Council's current and previous changes to the Water and
5 Sewerage Master Plan; and

6 WHEREAS, The short time left for the Council to act on this
7 bill makes it impossible to consider the letter's contents, seek
8 advice from its own counsel, deliberate on the implications of the
9 letter and advice, and reach a reasoned, well-informed decision;
10 and

11 WHEREAS, The Council does not wish to see the Plan fail due
12 solely to the lack of time to consider these issues; and

13 WHEREAS, The Council feels that property owners should not
14 have the current status of their property in the Plan jeopardized
15 by this situation;

16 NOW, THEREFORE,

17 Section 1. Be It Enacted by the County Council of Harford County,
18 Maryland, that Section 256-13, Water and Sewer Plan, of Article I,
19 General Provisions, of Chapter 256, Water and Sewers, of the
20 Harford County Code, as amended, be, and is hereby, repealed and
21 reenacted with amendments, all to read as follows:

22 Chapter 256. Water and Sewers.

23 Article I. General Provisions.

24 Section 256-13. Water and Sewer Plan.

25 The Water and Sewer Plan, AS AMENDED, DATED NOVEMBER 10, 1992,
26 IS INCORPORATED HEREIN BY REFERENCE AS PART OF THIS CHAPTER AS
27 THOUGH IT WERE FULLY STATED HEREIN, AND is adopted and amended in
28 accordance with state law and regulations of the State Department

1 of the Environment.

2 A. It shall be the duty and responsibility of the Director
3 of the Department of Public Works to ensure that timely
4 reviews and amendments of the Water and Sewer Plan are
5 recommended to the Council.

6 B. The Director of the Department of Public Works shall
7 ensure that, no later than the first legislative session
8 in the months of March and September of each year, a
9 review of the plan and any recommendations he/she may
10 have are forwarded to the Council in a form and manner
11 that, upon adoption by the Council and approval by the
12 Maryland Department of the Environment, [may be inserted
13 in the current plan as new page inserts or adopted as]
14 SHALL BE THE new plan.

15 C. It is the responsibility of the owner of a property, or
16 a designated representative of the owner of a property,
17 to submit a request in writing to have the status of
18 their property amended in the Water and Sewer [Master]
19 Plan. All requests for amendments to the Water and
20 Sewer Plan shall be filed with the Department of Public
21 Works who shall review and forward the request to the
22 Council with such recommendations as it shall deem
23 appropriate. All such requested revisions shall be
24 submitted by the deadlines of February 1 or August 1 as
25 is appropriate to the next semi-annual update of the
26 plan. Should a property owner require the amendment
27 within six (6) months of deadline for application for the
28 previous update, a fixed processing fee of \$2,000 shall

1 be borne by that party.

2 D. [All amendments to, revisions to, or reenactments of the]
3 THE Water and Sewer Plan, AS AMENDED, shall be effective
4 after the County Council takes its action on the
5 amendment, revision or reenactment and after Maryland
6 Department of the Environment approval.

7 E. [A duly advertised public hearing will be conducted after
8 which the County Council will officially adopt or reject
9 the amendment(s) or revisions(s).] The County Council's
10 adoption of an amendment or revision to the Plan does not
11 guarantee that an owner will be permitted to develop the
12 property.

13 F. The [revised] AMENDED Plan will then be submitted to the
14 Maryland Department of the Environment for State review
15 and approval.

16 G. All reviews of the Plan shall include a review of the
17 effect any changes may have on the funding of the system.

18 H. When deciding whether to change the status of a property
19 in the Plan, the County Council may consider any of the
20 following items that have not been completely addressed
21 by the preliminary plan approval process:

22 (1) The capacity of the section of the water or
23 sewerage system in question;

24 (2) The need for additional revenue to support capital
25 programs;

26 (3) The probability of development occurring within an
27 appropriate time frame;

28 (4) A specific issue of environmental protection;

1 (5) A specific issue of public health and safety;
2 and/or

3 (6) The adequacy of other facilities in the area.

4 I. The Council may choose to reject a proposed change for a
5 property if adequate information is not available to
6 judge the appropriateness of the proposed change under
7 section 267-104 of this Code.

8 Section 2. And Be It Further Enacted that this Act shall take
9 effect sixty (60) calendar days after the date it becomes law.

EFFECTIVE: August 9, 1993

HARFORD COUNTY BILL NO. 93-19 (as amended)

(Brief Title) Water & Sewer Plan

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

Doris Poulsen
Secretary of the Council

[Signature]
President of the Council

Date May 18, 1993

Date May 18, 1993

BY THE COUNCIL

Read the third time.

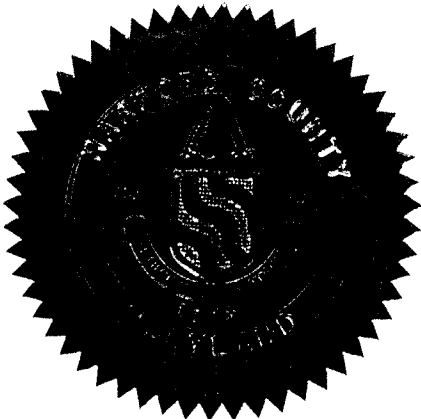
Passed: LSD 93-15 (May 18, 1993)

Failed of Passage: _____

By Order

Doris Poulsen, Secretary

Sealed with the County Seal and presented to the County Executive for approval this 19th day of May, 1993 at 3:00 p. m.



Doris Poulsen, Secretary

BY THE EXECUTIVE

COUNTY EXECUTIVE

APPROVED: Date _____

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within twenty-one (21) days of its presentation, becomes law on June 9, 1993.

Doris Poulsen, Secretary

EFFECTIVE: August 9, 1993

AMENDMENT TO BILL NO. 93-19

(Page and line references are to Bill as introduced)

Introduced by Council
President WilsonLegislative Session Day: 93-14
Date: May 11, 1993Amendment No. 1

On page 2, in line 9, after "AMENDED,", insert "DATED MAY 18,
1993,".

Amendment No. 1 to Bill No. 93-19Introduced — LSD- 93-14 Adopted - LSD- 93-14Placed on
Procedural - LSD- _____ Rejected - LSD- _____
LayoverTabled - LSD- _____ Withdrawn - LSD- 93-15

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